

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 434 - SB 621

February 23, 2021

**SUMMARY OF ORIGINAL BILL:** Permits service of ex parte orders of protection for up to one year from issuance. Creates a lifetime order of protection that can be issued to a victim of certain felony offenses.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (003874):** Deletes language of the original bill without making any substantive changes to the legislation.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 36-3-609, any subsequent order of protection shall be effective when the order is entered. Service upon a party or counsel shall be made by delivering to such a copy of the order of protection, or by the clerk mailing it to the party's last known address. In the event the party's last known address is unknown and cannot be ascertained upon diligent inquiry, the certificate of service shall so state. Service by mail is complete upon mailing. In order to complete service of process in a timely manner on a party who lives outside the county where the order was issued, the clerk may transmit the order to the sheriff in the appropriate county by facsimile or other electronic transmission.
- Permitting service of ex parte orders of protection for up to one year from issuance will not substantially impact court clerks' or sheriffs' workloads; therefore, there will not be a significant increase in local government expenditures.
- Pursuant to the language of this legislation, the victim of certain felony offenses may be issued a lifetime order of protection. Those felony offenses include assaultive offenses, criminal homicide, kidnapping and/or false imprisonment, and sexual offenses.
- The lifetime order of protection would prohibit the respondent from coming about the petitioner for any purpose, from telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly, include a statement of the maximum penalty

that may be imposed for violating such order and is valid and enforceable in any county of this state.

- In addition to any punishments for contempt of court, a judge may assess any person who violates a lifetime order of protection a civil penalty of \$50. Upon collecting the civil penalty, the court clerks are required, on a monthly basis, send the money to the State Treasurer who shall deposit it in the Domestic Violence Community Education Fund.
- Any increase in workload to the courts as a result of this legislation can be accommodated within existing resources and personnel.
- It is not expected that there will be enough violations of a lifetime order of protection to significantly impact state revenue.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

/jg